

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION**

BOONE'S PHARMACY INC.,

Plaintiff/Counter Defendant,

v.

EZRIRX LLC,

Defendant/Counter Claimant

CASE NO. 2:22-cv-00375-JB-N

DEFENDANT'S AMENDED THIRD AND FINAL MOTION TO EXTEND DEADLINES

Defendant EzriRx LLC (“Defendant”) files this third and final motion to extend its deadline to file response briefs in opposition to Plaintiff Boone’s Pharmacy Inc.’s (“Plaintiff”) Motion for Reconsideration (ECF No. 52) and Motion to Stay Discovery (ECF No. 56). As good cause, Defendant states:

1. Defendant previously asked the Court to extend its deadlines to respond to Plaintiff’s motions for reconsideration and to stay discovery, explaining that the parties were attempting to resolve this matter. The Court granted both Defendant’s motions, giving it until October 12, 2023, to respond. ECF Nos. 59, 61.

2. Despite their best efforts, the parties have not been able to reach a final resolution, though they are continuing to discuss their relatively minor disagreements on the terms of the draft settlement agreement that has been circulated. The parties will continue to negotiate to reach an agreement to obviate the need for additional briefing.

3. Defendant therefore asks for a third and final extension to its response deadlines, giving Defendant until **November 2, 2023**, to respond to both motions.

4. On October 12, 2023, after it became apparent that the parties were not going to be able to reach an agreement, Defendant conferred with Plaintiff's counsel about filing this motion. Plaintiff has not yet responded to advise whether it opposes the motion.

5. This motion is made in good faith and not for purpose of delay. The extension sought by this motion will not unduly delay the proceedings in this case. Unless the parties reach a resolution, this will be Defendant's final request for an extension.

6. Good cause thus exists for the extension. *Lizarazo v. Miami-Dade Corr. & Rehab. Dep't*, 878 F.3d 1008, 1012 (11th Cir. 2017) (extensions "should be liberally granted absent a showing of bad faith . . . or undue prejudice.").

WHEREFORE, Defendant respectfully requests that the Court grant this motion and extend the time to file its response to the motions for reconsideration and to stay discovery until **November 2, 2023**.

Respectfully submitted this 12th day of October 2023.

/s/ Ryan D. Watstein
Ryan D. Watstein (*pro hac vice*)
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on October 12, 2023, I caused to be electronically filed a true and correct copy of the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

By: /s/ Ryan D. Watstein

Ryan D. Watstein